



Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
June 24, 2004

The meeting of the Washington State Podiatric Medical Board was called to order by David Bernstein, DPM, Vice-Chair at 9:15 a.m. The meetings was held at the Holiday Inn, 17338 International Boulevard, Seattle, WA 98188.

Board Members

Participating:

David Bernstein, DPM, Vice-Chair
James Porter, DPM
Stewart Brim, DPM
Bill Ith, Public Member
Gerald Kuwada, DPM, Chair (after 12:00 pm)

Staff Participating:

Robert Nicoloff, Executive Director
Arlene Robertson, Program Manager
Holly Rawnsley, Program Manager
Karen Maasjo, Administrative Staff
Peter Harris, Staff Attorney
Gail Yu, Assistant Attorney General

Open Session

1. Call to Order

1.1 Approval of Agenda

The agenda was amended to include a Stipulation to Informal Disposition presentation under item 2. (Closed Session)

1.2 Approval of Minutes - September 11, 2003

The minutes were approved as written.

1.3 Approval of Conference Call Minutes - May 20, 2004

The minutes were approved as written.

1.4 Approval of Minutes - March 25, 2004 (Closed Session)

The minutes pertaining to closed session items were approved.

2. (Open Session) Settlement Presentations

There were no settlement presentations relative to statement of charges.

(Closed Session) Statement of Allegations/Stipulation to Informal Disposition

Peter Harris, Staff Attorney, presented a settlement agreement relative to Statement of Allegations/Stipulation to Informal Disposition, Docket No. 04-05-A-1053PO.

The Board's decision was made in Executive Session. The respondent will be advised of the Board's decision in writing.

3. Interpretative Statements/Policies

Review of final policy

3.1 Medical Quality Assurance Commission - Use of Lasers in Skin Care and Treatment Number MD2003-02

ISSUE

The use of lasers for a number of medical and cosmetic conditions has increased. Although lasers are prescriptive devices that can only be sold to licensed practitioners with prescriptive authority, these devices are being used by individuals that do not meet this requirement.

The Medical Quality Assurance Commission has issued a policy statement about the use of a laser to treat or alter the skin.

ACTION

The Board reviewed the policy statement issued by the Medical Commission. The Podiatry program staff has not received any complaints nor are the board members aware that this is an issue in podiatry practices. The Board determined there was no need for action at this time. The matter can be reviewed at a later time if a problem arises.

4. Policy Review

4.1 Consideration of New Policies

4.1.1 Disposal of Medical Records When Physician Office is Closed

4.1.2 ExecNet summary of other state requirements for keeping medical records

ISSUE

Several times a year staff receives calls from patients trying to locate a practitioner who has moved or left practice so they can obtain their medical records. Calls are also received from practitioners wanting information about maintaining or transferring records under these circumstances.

ACTION

The Board suggested this might be an issue that could be coordinated with the Osteopathic and Allopathic physicians. It might be helpful to have presentations and discussions with the risk managers of Physicians Insurance and PICA.

5. Scope of Practice Issues.

5.1 Office Based Surgery

ISSUE

Comments obtained at the Medical Quality Assurance Commission's public rules workshops were reviewed.

ACTION

The Board indicated this issue is of concern in podiatric practices. It was requested that staff resubmit copies of the rules/requirements from other states for review. This will provide an opportunity for board members to become more familiar with requirements in other states compared to the information and concerns being gathered by the Medical Commission.

5.2 Physician self-referrals, Centers for Medicare & Medicaid Services final rule.

ISSUE

This rule addresses physician referrals of Medicare and Medicaid patients for certain designated health services to entities with which the physician (or a member of the physician's immediate family) has a financial relationship, unless an exception applies.

ACTION

This was informational only, no action was required.

- 5.3 Acceptance of "more than a nominal gratuity, hospitality or subsidy" in RCW 18.130.180(25)

ISSUE

This was an inquiry from the Department whether any professions were interested in pursuing rules in this area.

ACTION

The Board indicated that this matter has been dealt with through the drug companies and vendors and rules are not necessary.

6. Licensing Issues

- 6.1 The National Board of Podiatric Medical Examiners
Newsletter

Updates on administration of the podiatry examinations.

ISSUE

Fee increases have been established for the three exams required for licensure. A security breach in the July 2002, Part I examination and retesting those individuals at no additional charge and conversion of Parts I and II to computer based testing with administration at seven centers throughout the country have led to the increased fees.

ACTION

This item was informational, no action was required.

7. Program Manager Reports

- 7.1 Budget Reports

The Interim Operating Report for April 2004 was reviewed.

- 7.2 Activity and Statistical Report - 2003

Ms. Robertson provided the Board with the annual report relative to licensing and complaint processing. The total number of licensees is remaining stable. Complaints have shown an increase with a significant increase in cases that were investigated.

- 7.3 HPQA Statistical Report for 2003

The HPQA summary of statistics provided by the Director was shared with the Board.

- 7.4 Washington Physicians Health Program - May 2004
Statistical Information
The statistics were provided to the Board as required by the contract with the monitoring program.
- 7.5 Re-schedule September 23rd meeting
The meeting was rescheduled to September 30th.
8. Executive Director Reports
- 8.1 Legislation Updates
Mr. Nicoloff reported that the Podiatry Board was not impacted by any new legislation.
- 8.2 Department/Division Updates
The June 21, 2004 memo to Board, Commission and Committee Members from Bonnie King was shared with the board members. Mr. Nicoloff discussed the proposed changes in the organization and responded to questions from the members.
- 8.3 Tri-City Herald - Not so public?
The newspaper article was shared with the members as a reminder that E-Mails that discuss state business are disclosable under public disclosure laws.
9. Election of Officers
The following officers were selected for the upcoming year:
David Bernstein, DPM, Chair
Stewart Brim, DPM, Vice-Chair

Closed Session

10. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>DISPOSITION</u>
2003-10-0005PO	Closed no cause for action; evidence does not support a violation.

11. Compliance Reports
There were no compliance reports.

12. Application Review
There were no applications for review.

The meeting was adjourned at 12:30 pm.

Respectfully Submitted

Arlene Robertson

Program Manager

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WWW.DOH.WA.GOV, GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF
THE HEALTH PROFESSIONS, GO TO PODIATRIC PHYSICIANS FOR AGENDAS AND MINUTES.